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### **REMARKS**

Claims 1-12 remain pending in this application. Reconsideration of this application is requested.

#### **35 U.S.C. § 112 Rejection**

Reconsideration is requested of the rejection of claim 10 as being indefinite under the second paragraph of 35 U.S.C. § 112. The Examiner correctly recites that claim 10 sets forth the limitation that the display is selectively deactivated in accordance with the expiration of a timeout period. The specification at paragraph 22 discloses that conservation of battery power was a concern of the inventors at the time of the invention.

More significantly, the Examiner will appreciate that the claims as originally filed constitute part of the original disclosure. Accordingly, the addition of the recitations of claim 10 to the written description section provides proper antecedent support in the written description, and do not constitute prohibited new matter. Withdrawal of this ground of rejection is requested.

#### **35 U.S.C. § 102 Rejection**

The rejection of claim 7 under 35 U.S.C. § 102(b) as being anticipated by Torikai, JP 2000-138854, is respectfully traversed.

The present invention as set forth in independent claim 7 is directed to an improvement in an electronic imaging device comprising a touch-sensitive shutter button responsive to contact of user's finger for producing a touch signal that causes a display to receive data from an image sensor and to display images corresponding to the data from the image sensor.

Torikai does disclose a digital camera having a shutter button 11, and a touch sensor 14 formed on a surface of the shutter button 11. When a user touches the shutter button 11, the touch sensor 14 sends a signal to CPU 10 of the camera indicating that the shutter button 11 was touched. However, in response to the touch signal from touch sensor 14, the CPU actuates an inverter 7 that causes backlight

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equipment 6 to turn on, thereby backlighting the transmissive LCD panel 5. See English translation at page 3, paragraph 27. The CPU 10 does not cause the display 5 to receive data from image sensor 1 and to display images corresponding to the data from the image sensor in response to the touch signal, as required by claim 7.

Instead, as explained by Torikai, the shutter release button 11 is a two position button, having a first depressed position S1 and a second depressed position S2. When a user simply touches the shutter release button 11, the CPU causes the LCD panel to be backlit. If the user subsequently depresses the button 11 to the first position S1, a first depression position signal is sent to the CPU, which causes the CCD sensor 1 to image a subject and output image data to image pick-up circuit 2. The image data is then outputted by the circuit 2 to LCD driver 3, which drives the LCD panel 5 to display the image of the subject corresponding to the received data. See English translation at page 3, paragraphs 28-29. If the user subsequently further depresses the shutter release button 11 to the second position S2, the CPU causes the image data contained in the pick-up circuit 2 to be stored in a memory card 9. See English translation at pages 3-4, paragraph 30.

In contrast to Torikai's operation, claim 7 requires that the touch signal from the touch-sensitive shutter button cause the display to receive image data from the image sensor and display images corresponding thereto. Consequently Torikai does not anticipate the invention as set forth in claim 7 under 35 U.S.C. § 102, and this ground of rejection should be withdrawn.

### **35 U.S.C. § 103 Rejection**

The rejection of claims 1-5, 8, 11 and 12 as being unpatentable over Anderson, U.S. Patent No. 6,122,003 (cited by Applicants in the Information Disclosure Statement filed concurrently with the application) in view of Torikai, and the additional rejection of claims 8, 11 and 12 as being unpatentable over Torikai in view of Anderson, also are respectfully traversed.

The Office action proposes to incorporate a touch sensor in the image capture device of Anderson as disclosed by Torikai, or alternatively to "revert back to a previous

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operating mode without user interaction" in the Torikai apparatus. Such a combination, however, would fail to result in the invention as set forth in independent claims 1 and 8.

Claim 1 requires a processor that is responsive to a touch signal from a touch-sensitive shutter button to cause a display to display an image from an image sensor device, responsive to an actuation signal from the touch-sensitive shutter button to cause image data from the image sensor to be stored in a storage medium, and responsive to the absence of the touch signal to cause the display to display an image and/or related data from the storage medium.

Claim 8 is directed to a method of operating an electronic imaging apparatus, comprising the step of displaying an instantaneous image from an image sensor in response to a touch signal, and the step of displaying data from a storage medium in the absence of the touch signal when the display is activated.

Anderson discloses a digital camera having a capture mode, review mode and play mode. In the capture mode, the camera captures an image through the use of an LCD screen. In the review mode, the camera allows review of camera contents, editing and sorting images, and printing and transferring images. In the play mode, the camera allows the user to view stored images in the LCD screen. Col. 5, ll. 35-48.

Anderson further discloses that while the camera is in either the review mode or the play mode, a user may capture an image by pressing a shutter button 418 (Fig. 5). Similar to the Torikai disclosure, Anderson's shutter button is a two position button, with an intermediate position S1 and a second position S2. When a user presses the shutter button to the intermediate position S1, the camera switches to capture mode, wherein a live image is displayed in the LCD screen. When a user further presses the shutter button to the second position S2, the camera captures the image shown in the LCD screen and stores it. Col. 7, line 65 - col. 8, line 11. Further, Anderson discloses that the user may return to either the review mode or the play mode by pressing one of the navigation buttons 411. Col. 8, ll. 11-13.

Thus, if one of ordinary skill in the art were to combine a touch sensor as disclosed by Torikai with the camera of Anderson, the resultant apparatus would include backlight equipment that would be activated to backlight the LCD screen of Anderson upon

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touching of the shutter button 418 by a user. Further, if Torikai were to be modified by Anderson, Torikai would include navigation buttons for entering review and play modes. However since both Torikai and Anderson disclose that a user must depress the shutter button to a first position S1 in order to display a live image on an LCD panel, no combination of Torikai with Anderson could result in the invention as claimed in independent claims 1 and 8 (or any claims dependent thereon), since the claimed invention requires that live images from an image sensor be displayed upon touching of a touch-sensitive shutter button by a user. Reconsideration and withdrawal of these grounds of rejection is therefore requested.

The rejection of claims 6 and 9 as being unpatentable over Anderson in view of Torikai and Hirasawa, U.S. Patent No. 6,091,450, and the rejection of claim 10 as being unpatentable over Torikai in view of Anderson and Daigaku, JP 11-252488, also are respectfully traversed. The Office action relies upon Hirasawa for a disclosure of a proximity detector in an electronic viewfinder, and upon Daigaku for a disclosure of turning off power to a display when operation is not performed for a set time. However, neither Hirasawa nor Daigaku make up for the deficiencies in the proposed basic combination of Anderson and Torikai with respect to the independent claims. Consequently no combination of Hirasawa or Daigaku with the proposed Anderson/Torikai combination could result in the invention set forth in claims 6, 9 or 10. Withdrawal of these grounds of rejection also is respectfully urged.

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**Conclusion**

In view of the foregoing, claims 1-12 are submitted to be patentable over the prior art of record, whether considered individually or in combination. Withdrawal of the outstanding grounds of rejection and the issuance of a Notice of Allowance are earnestly solicited.

Please charge any fee or credit any overpayment pursuant to 37 CFR 1.16 or 1.17 to Deposit Account No. 08-2025.

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